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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,189	10/10/2003	Yasushi Nakazato	243741US2DIV	1268
22850	7590	08/26/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEE, SUSAN SHUK YIN	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,189

Applicant(s) 

NAKAZATO ET AL.

Examiner

Susan S. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-67 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 43-67 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/305,275.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date see cont. sheet.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s)

3) Information Disclosure Statements: 10/10/03, 1/12/04, 2/26/04

6) Other: consideration of papers filed 1/12/04, 2/26/04.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The abstract of the disclosure is objected to because it does not describe the instant invention that is now claimed. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, an image transfer mechanism (claim 43) or an image transfer means (claim 51) or an image transfer element (59); and a transfer position (claims 43, 51, 59, and 64) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 64-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitamura (5,842,095).

Kitamura discloses a plurality of photosensitive cartridges 30 each with a different color toner. Each image forming unit have a photosensitive body 31 with an exposure position where the light from laser exposure device 40 exposes an electrostatic latent image onto the surface of the photosensitive body 31 and a transfer position where a copy roll 50 or transfer roll 50 contacts the photosensitive body 31 so that a developed toner image can be transferred onto a paper. The exposure position is substantially diametrically opposed to the transfer position as shown in Figs. 2 and 7. Note column 5, line 51 – column 6, line 54. The photosensitive cartridges 30 read on the instant invention's image forming cartridges and are arranged in a vertical row within the housing 21 thus one cartridge is above another as shown in Figs. 2 and 7.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 43-63 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 and 23-27 of U.S. Patent No. 6,697,588 in view of Kawamura et al. (4,660,077).

US Patent No. 6,697,588 recites in claims 1 and 6 the same features as the instant invention's claims 43 and 51, a plurality of light generators, a plurality of image forming cartridges corresponding to the plurality of light generators, and a housing including respective slots corresponding to the light generators, the slots are positioned to allow light beams emitted from the light generators to pass therethrough, the housing configured to house the plurality of light generators one above another; and the plurality of image forming cartridges each include a photoconductive drum (claim 6 of US Patent No. 6,697,588); in claim 2 the same features as the instant invention's claims 44 and 52; in claim 3 the same features as the instant invention's claims 45 and 53; in claim 4 the same features as the instant invention's claims 46 and 54; in claim 7 the same feature as the instant invention's claims 47 and 55; in claim 8 the same elements as the instant invention's claims 48 and 56; in claims 9 and 10 the same elements as the instant invention's claims 49 and 57; in claim 11 the same elements as the instant invention's claims 50 and 58; in claim 23 the same elements as the instant invention's claim 59, an apparatus body, a plurality of optical writing devices each configured to form a latent image on a respective one of the photoconductive element; a plurality of image forming cartridges arranged one above another and removably mounted to the apparatus body, each including at least one photoconductive element, a vertical stay disposed between the optical writing devices and image forming cartridges, a plurality of

image forming cartridge supporting members corresponding to each of the image forming cartridges, and being attached to at least one of the vertical stay and the apparatus body, a plurality of optical writing device supporting members corresponding to each of the image forming cartridges, and being attached to at least one of the vertical stay and the apparatus body; in claim 24 the same elements as the instant invention's claim 60; in claim 25 the same elements as the instant invention's claim 61; in claim 26 the same elements as the instant invention's claim 62; and in claim 27 the same elements as the instant invention's claim 63.

US Patent No. 6,697,588 differs from the instant invention by not claiming a transfer mechanism; and a transfer position substantially diametrically opposed to the exposure position.


Kawamura et al. discloses a plurality of laser beam scanner 14 that exposes a laser beam L onto a corresponding photosensitive body 9 at an exposure position as shown in Fig. 1. Each exposure position is substantially diametrically opposed to a transfer position created between the transfer charger 12 and the surface of the corresponding photosensitive body 9. Note column 2, line 30 – column 4, line 23.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus as claimed in US Patent No. 6,697,588 with that of Kawamura et al. in order to reproduce color images free from color mismatch and of excellent quality as disclosed by Kawamura et al. (note column 1, lines 34-38).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan S. Lee
Primary Examiner
Art Unit 2852

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